

**SUMMARY MEETING MINUTES** (Subject to ZBA review and approval)  
**DARIEN ZONING BOARD OF APPEALS (ZBA)**  
**JANUARY 20, 2010**

**REGULAR MEETING**

Darien Town Hall - Room 206 - 7:50 to 10:15 PM

ZBA members present: Vic Capellupo, Gary Greene, Al Tibbetts, Chuck Deluca,  
and Jeff Williams

Staff Present: Code Compliance Officer Robert Woodside and Recorder  
Judy Fazekas

ZBA Chair Vic Capellupo opened the meeting at 7:50 PM. He explained several procedural steps that would be used to conduct the meeting following the posted Agenda.

**POSTPONEMENTS AND CONTINUATIONS**

Mr. Capellupo announced that the Public Hearing of Calendar No. 1-2010, the application of Foster Kaali-Nagy, 70 Five Mile River Road, is postponed to February 24, 2010, at the applicant's request.

Mr. Capellupo announced that the Public Hearing of Calendar No. 3-2010, the application of Faesy-Smith Architects on behalf of Tom and Shepard Halsch, 2 Juniper Road, is opened and immediately continued without testimony to February 24, 2010, at the applicant's request.

**PUBLIC HEARINGS**

The following hearings were held with various plans and submitted application materials reviewed, possible correspondence and public comment considered, questions asked, and comments made by the ZBA members and Staff:

CALENDAR NO. 5-2010 - The application of Warrington Homes LLC on behalf of 90 Pear Tree Pt. LLC filed on December 23, 2009 for an interpretation of Section 331 and, if necessary, variances of Sections 331 and 402 of the Darien Zoning Regulations to allow the existing cottage residence to remain until the proposed replacement residence is completed and/or to allow the cottage to be altered into an accessory structure; Section 331: two in lieu of one, maximum main building on one lot; and Section 402: two in lieu of one single-family dwelling on its own lot. The property is situated on the west side of Long Neck

Point Road approximately 1500 feet north of the south intersection of Long Neck Point Road and Pear Tree Point Road and is shown on Assessor's Map #60 as Lot #12-2, being 90 Long Neck Point Road and located in an R-1 (residential) Zone. Beau Malpass and Sydney Marshman answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. Attorney Amy Zabetakis objected to various aspects of the application. The Public Hearing was then closed.

CALENDAR NO. 2-2010 - The application of John & Catherine Josef filed on December 23, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of second story and two story additions; Section 406: 5.0 in lieu of 10.0 feet minimum required side yard setback for the second story and part of the two story addition; and 9.7 in lieu of 10.0 feet minimum required side yard setback for part of the two story addition. The property is situated on the south side of West Avenue approximately 400 feet west of the intersection of West Avenue and Stony Brook Road and is shown on Assessor's Map #39 as Lot #92, being 115 West Avenue and located in an R-1/3 (residential) Zone. Catherine Josef and architect Chris Reuhl answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

CALENDAR NO. 4 -2009 - The application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Richard Sanislo filed on December 23, 2009 for variances of Section 406 of the Darien Zoning Regulations, to allow the construction of one half story; one story; two story; and second story additions; and the installation of HVAC equipment; Section 406: 6.9 in lieu of 22.0 feet minimum required southwest side yard setback for the one half story addition; 10.2 in lieu 22.0 feet minimum required southwest side yard setback for the one story addition; 3.0 in lieu of 18.1 feet minimum required northeast side yard setback for the two story addition; 6.0 in lieu of 18.1 feet minimum required northeast side yard setback for the second story addition; 7.0 in lieu of 18.1 feet minimum required northeast side yard setback for the equipment; and 9.9 in lieu of 25.0 feet minimum required total of two side yards setback for the new construction. The property is situated on the east side of Hazel Street approximately 130 feet north of the intersection of Hazel Street and West Avenue and is shown on Assessor's Map #24 as Lot #20, being 29 Hazel Street and located in an R-1/3 (residential) Zone. Surveyor Mark Lebow, architect Dominick Cartelli, and Richard Sanislo answered various questions and explained the proposal depicted on the submitted plans and described in the application materials. The Public Hearing was then closed.

## **DELIBERATIONS AND DECISIONS**

The following decisions were made after the ZBA members reviewed the public hearing comments, the submitted plans and other application materials, and carefully considered possible stipulations to ensure the best possible project fit among the neighboring properties:

CALENDAR NO. 5-2010 - The application of Warrington Homes LLC on behalf of 90 Pear Tree Pt. LLC, 90 Long Neck Point Road. Upon a motion by Gary Greene, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams, and Chuck Deluca voted in favor of the motion. Therefore this request is granted.

CALENDAR NO. 2-2010 - The application of John & Catherine Josef, 115 West Avenue. Upon a motion by Al Tibbetts, seconded by Chuck Deluca, the ZBA voted 5-0 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Vic Capellupo, Al Tibbetts, Jeff Williams, and Chuck Deluca voted in favor of the motion. Therefore this request is granted.

CALENDAR NO. 4 -2010 - The application of Mark S. Lebow and William W. Seymour & Associates, PC on behalf of Richard Sanislo, 29 Hazel Street. Upon a motion by Chuck Deluca, seconded by Gary Greene, the ZBA voted 4 -1 to GRANT WITH STIPULATIONS the above delineated, requested variances. Gary Greene, Al Tibbetts, Jeff Williams, and Chuck Deluca voted in favor of the motion. Vic Capellupo was opposed to the motion. State of Connecticut Statutes require a super majority of 4 affirmative votes out of the 5 voting ZBA members to approve a variance of the Zoning Regulations. Therefore this request is granted.

## **OTHER BUSINESS**

The following additional decisions were made after the ZBA members reviewed the submitted documents, correspondence and/or project plans:

Requested amendment to the approved plans of Calendar No. 44-2009, Daniel & Margaret Smith, 147 Long Neck Point Road. Upon a motion by Al Tibbetts, seconded by Gary Greene, the ZBA voted 4 -1 to GRANT the request. Gary Greene, Al Tibbetts, Chuck Deluca, and Vic Capellupo voted in favor of the motion. Jeff Williams was opposed to the motion. A majority vote of 3 affirmative votes out of the 5 voting ZBA members are required to approve Other Business requests. Therefore this request is granted.

Approval of Minutes of meetings on September 16, 2009, September 23, 2009, October 7, 2009, October 21, 2009, and December 16, 2009. Upon a motion by Chuck Deluca, seconded by Jeff Williams, the ZBA voted 5-0 to APPROVE the subject minutes. Gary Greene, Jeff Williams, Vic Capellupo, Chuck Deluca, and Al Tibbetts. John Ashburne, Ruth Anne Ramsey, and Anthony Simari also previously indicated their approval.

The meeting was adjourned at approximately 10:15 PM.

These Meeting Minutes were reviewed by the attending ZBA members, modified as necessary, and upon a motion by ..., seconded by ..., approved ... at the ZBA meeting on ..., 2010. ... voted in favor of the motion. ... also (or previously) indicated his/her approval.

Respectfully submitted February 8, 2010,  
by Robert Woodside,  
Code Compliance Officer  
ZBA Staff